

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 CEMONE CHAMPAGNE LEWIS,

7 Defendant

Case No.: 2:18-cr-055-APG-GWF

**Order Denying Motion for Adjustment of  
Time Credit**

[ECF No. 66]

8 Defendant Cemone Champagne Lewis asks that I order the Bureau of Prisons (BoP) to  
9 adjust the time credits he will receive once he goes into federal custody. ECF No. 66. Because  
10 Lewis is in state custody, the BoP has not yet calculated the time remaining on his federal  
11 sentence. Thus, his motion is premature.

12 If Lewis later disagrees with the BoP's eventual calculation of his time, he may file a  
13 petition under 28 U.S.C. § 2241. *Tucker v. Carlson*, 925 F.2d 330, 332 (9th Cir. 1991). That  
14 petition must be filed in the district in which he is held in custody. *Rumsfeld v Padilla*, 542 U.S.  
15 426, 442 (2004). And, Lewis may not file a 28 U.S.C. § 2241 petition until he exhausts his  
16 administrative remedies. *Tucker*, 925 F.2d at 332 ("Generally, a federal prisoner is required to  
17 exhaust his federal administrative remedies before filing a habeas petition."). Lewis has not yet  
18 exhausted his BoP administrative remedies regarding the calculation of his sentence, so his  
19 motion is defective for that reason as well.

20 IT IS THEREFORE ORDERED that defendant Lewis's motion (**ECF No. 66**) is  
21 **DENIED**.

22 DATED this 26th day of August, 2019.

23   
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE